

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE March 14, 2006		(3) CONTACT/PHONE Josh LeBombard, Current Planning (805) 781-1431	
(4) SUBJECT Hearing to consider an appeal by Raymond Cordoza of the Subdivision Review Board's denial of his request for Vesting Tentative Parcel Map CO 04-0352 using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category and is located at 7655 Feenstra Road, approximately 3.4 miles north of the community of Creston. The site is in the El Pomar/ Estrella planning area. Supervisorial District No. 1					
(5) SUMMARY OF REQUEST On December 5, 2005, the request by Raymond Cordoza for Vesting Tentative Parcel Map CO 04-0352 using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development was denied by the Subdivision Review Board. On December 16, 2005, the Planning Department received an appeal of this decision by Raymond Cordoza.					
(6) RECOMMENDED ACTION Adopt the resolution affirming the decision of the Subdivision Review Board and denying the application of Raymond Cordoza for Vesting Tentative Parcel Map CO 04-352 (SUB2004-00256) based on the findings in Exhibit A.					
(7) FUNDING SOURCE (S) Appeal Fee (\$604.00)		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Counsel reviewed and approved the Resolution as to form and content					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, 2nd, 3rd, 4th, 5th, All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est 45 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

(19) ADMINISTRATIVE OFFICE REVIEW

OK Leslie Brown

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(3-14-06)



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: JOSH LEBOMBARD, CURRENT PLANNING

VIA: WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING

DATE: FEBRUARY 28, 2006

SUBJECT: HEARING TO CONSIDER AN APPEAL BY RAYMOND CORDOZA OF THE SUBDIVISION REVIEW BOARD'S DENIAL OF HIS REQUEST FOR VESTING TENTATIVE PARCEL MAP CO 04-0352 USING THE TRANSFER OF DEVELOPMENT CREDITS PROGRAM TO SUBDIVIDE AN EXISTING 10 ACRE PARCEL INTO TWO PARCELS OF 5 ACRES EACH FOR THE PURPOSE OF SALE AND/OR DEVELOPMENT. THE PROPOSED PROJECT IS WITHIN THE RESIDENTIAL RURAL LAND USE CATEGORY AND IS LOCATED AT 7655 FEENSTRA ROAD, APPROXIMATELY 3.4 MILES NORTH OF THE COMMUNITY OF CRESTON. THE SITE IS IN THE EL POMAR/ ESTRELLA PLANNING AREA.
SUPERVISORIAL DISTRICT NO. 1

RECOMMENDATION

Adopt the resolution affirming the decision of the Subdivision Review Board and denying the application of Raymond Cordoza for Vesting Tentative Parcel Map CO 04-352 (SUB2004-00256) based on the findings in Exhibit A.

DISCUSSION

Background

On December 5, 2005, the request by Raymond Cordoza for Vesting Tentative Parcel Map CO 04-0352 using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development was denied by the Subdivision Review Board.

On December 16, 2005, the Planning Department received an appeal of this decision by Raymond Cordoza. The following discusses the issues raised in the appeal.

APPEAL ISSUES

Issue 1

As indicated in the attached staff report, the proposed division results in a receiver site which complies with the eight enumerated criteria of Section 22.24.070.

Applicant's comments

Staff acknowledges the proposal's compliance with Section 22.24.070, yet recommends denial based upon its perception that the TDC program itself is inconsistent with General Goal 8 of the Framework for Planning.

The issue at hand is not the propriety of the entire TDC program and ordinance; rather, the issue is whether the proposal as submitted in May of 2005 complied with the law. Staff has answered this question in the affirmative.

Simple fairness leads to the conclusion that the applicant fully complies with the applicable law at the time of submission. Applying the current moratorium to this previously submitted application is not appropriate.

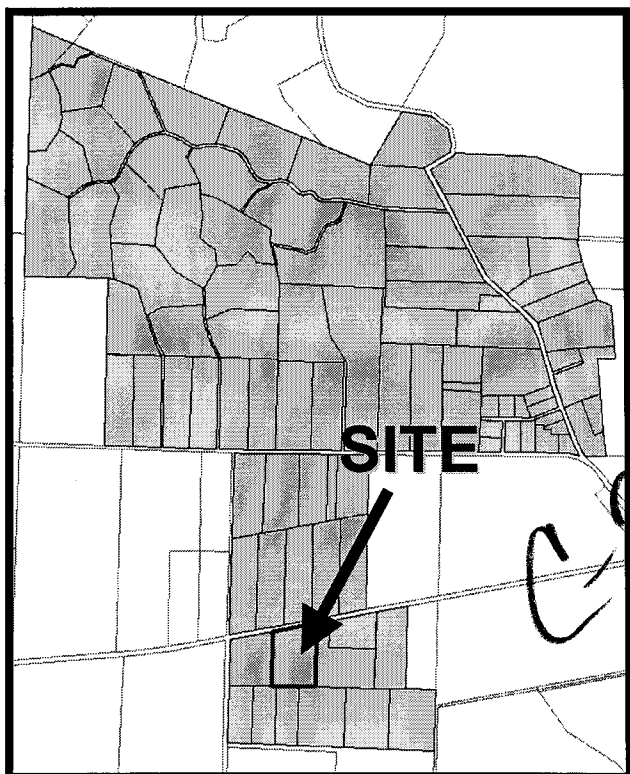
Staff Response

*As mentioned in the appeal, the property does comply with all of the criteria that make it **eligible** to be a TDC receiver site. However, this does not guarantee that the property will be approved as a TDC subdivision. **The application process for subdivisions, including TDC subdivisions, is a discretionary process.** The Planning Department bases its recommendations regarding TDC subdivisions on factors that are weighed after the property has been determined to be eligible as a TDC receiver site.*

This application, even though it meets all of the qualifying criteria, has not been supported by Planning Department because it is inconsistent with Framework for Planning General Goal 8, the surrounding pattern of development, and the intent of the TDC program.

Staff indicated in the report prepared for the Subdivision Review Board on December 5, 2005, that this project was not consistent with Framework for Planning Goal 8, "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities," because it would increase the intensity of residential development in the area beyond the average use that currently exists. This finding was made for the request itself, not for the TDC Program in general.

In order to determine if the parcel sizes resulting from the proposed land division



would be consistent with the intensity of the surrounding area, staff analyzed the sizes of parcels surrounding the Cordoza property. The analysis concluded that the average parcel size for parcels found within the surrounding residentially-zoned property (including both the Residential Rural and the Residential Suburban Land Use Categories) is 8.68 acres. This means that the proposal to split the 10 acre parcel into two parcels of 5 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than 58 percent of the average surrounding parcel size.

Staff is concerned that a subdivision of this parcel into two parcels that are smaller than 58 percent of the average of the surrounding parcels, could create a precedent that could lead to a pattern of future subdivision of the larger parcels in the area.

Furthermore, this particular site is located in an antiquated subdivision (Associated Almond Growers Independence Tract 10c). Antiquated subdivisions are eligible as sending sites. Section 22.24.030.a.4 states:

The specific antiquated subdivision criteria are as follows:

- (1) Sites located 10 miles or more (as measured using the straight line method as defined in Article 8 Distance - measurement) from an urban or village reserve line where the individual lot is smaller than 20 acres in size.*
- (2) Sites located 5 to 10 miles or more (as measured using the straight line method as defined in Article 8 Distance - measurement) from a urban or village reserve line where the lot is smaller than 10 acres in size.*
- (3) Sites located within an antiquated subdivision according to the map on file with the Department.**

The subject parcel is located in antiquated subdivision number 43 as delineated in "A Study of Non-Conforming Subdivisions in Rural Areas (November, 1977)". A copy of the map and subdivision description is attached.

The LUO states "it is the policy of the county to designate sending sites that would retire the development potential within antiquated subdivisions located distant from existing urban and village areas". Staff believes that, since the proposed land division is located approximately 6.4 miles from the community of Paso Robles and approximately 5.48 miles from the Creston VRL (using the measurement of the shortest public road route between the reserve line and the site) the intent of the TDC Ordinance is to retire development at this site and others within this antiquated subdivision rather than facilitating additional development.

Issue 2

Applicant's comments

Staff concludes that "The average parcel size for parcels found within the surrounding residentially zoned property is 8.68 acres". However, as depicted in Map 3-6, this calculation is not based upon surrounding parcels as equally or radially measured from the site, but is based upon sites which are not adjacent or contiguous. Accordingly, this calculation must be disregarded as it is not a proper basis for analysis or rejection.

Staff Response

To determine the average parcel size for the area, staff considered the entire residential subdivision in its analysis. Staff felt that it was more appropriate to use the entire subdivision in

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its analysis instead of a simple equal or radial measurement. Since staff used the entire subdivision, the statement that the measurement was not equally or radially based is correct. However, to clarify this matter, staff has performed another analysis to determine parcel sizes of surrounding adjacent parcels. Table 1 shows that the average parcel size of the parcels abutting the Cordoza property is 8.55 acres. This means that the two proposed 5 acre parcels are still only approximately 58.5 percent of the average parcel size using an equal measurement from the Cordoza parcel.

Table 1. Average Parcel Sizes of Abutting Parcels

APN	ACTUAL ACREAGE
035-231-018	10
035-231-013	10
035-231-017	10
035-241-012	10
035-241-014	8.41
035-241-021	5
035-241-020	5
035-241-017	10
Average Acreage	8.551
Percent of this proposal to average parcels within 500'	58.47%

Issue 3

Applicant's comments

Finding D states: "The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time". No factual basis for this dramatic conclusion is provided whatsoever.

Staff Response

The El Pomar/Estrella Area Plan states "The lack of a community water system hinders development of all the existing small lots because individual septic and water systems would conflict with requirements of the Public Health Code which require a safe distance between them. Development at full single-family density is therefore precluded until community water supply and sewer systems exist". Staff believes that the community of Creston cannot accommodate increased density until community water and sewer is in place.

Furthermore, this subdivision conflicts with the El Pomar/Estrella Area Plan Policy, "Discourage new land divisions and rezoning that would intensify residential development at or adjacent to land in the Agriculture category (except to house farm workers)" that is found within the Area Plan. This property lies less than 600 feet west of an agricultural operation. Further subdivision of this property could lead to increased agricultural conflicts due to increased residential use.

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STAFF COMMENTS

Staff recommended this proposal for denial at the Subdivision Review Board (SRB) and the SRB ultimately also decided to not support the tentative parcel map. Although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of the TDC Ordinance, as the intent is to locate development within close proximity of communities that have available infrastructure to support development and to send development to more suitable areas. The community of Creston does not have available infrastructure and services to support additional density in the area and the site is not more suitable as it would create parcels of a size that are inconsistent with the surrounding area and the site would qualify as a sending site under the provisions of the ordinance.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed and approved the Resolution as to form and content.

FINANCIAL CONSIDERATIONS

The appeal was processed using the appeal fee paid by the appellant

RESULTS

Denial of the appeal for Vesting Tentative Parcel Map CO 04-0352 would mean the application for subdivision using the TDC program would be denied.

Approval of the appeal for Vesting Tentative Parcel Map CO 04-0352 would require staff to conduct an environmental review of the proposed project to determine impacts to applicable resources. Results of the initial study of environmental impacts will determine the level of environmental review appropriate (eg. Negative Declaration, Mitigated Negative Declaration or EIR). After the environmental review is completed the project can then be returned to your board for final action.

ATTACHMENTS

1. Resolution upholding the Subdivision Review Board decision
2. Appeal form
3. Letter from applicant addressing appeal issues
4. Staff report, with correspondence from the December 5, 2005 Subdivision Review Board hearing

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IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION AFFIRMING THE DECISION OF THE
SUBDIVISION REVIEW BOARD AND DISAPPROVING
THE APPLICATION OF RAYMOND CORDOZA
FOR A VESTING TENTATIVE PARCEL MAP FOR PARCEL MAP CO 04-0352

The following resolution is now offered and read:

WHEREAS, on December 5, 2005, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the "Subdivision Review Board ") duly considered and disapproved the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352; and

WHEREAS, Raymond Cordoza has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on March 14, 2005, and a determination and decision was made on March 14, 2005; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and determined that the appeal should be denied and the decision of the Subdivision Review Board should be affirmed and that the application should be disapproved based upon the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

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3. That this project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of the Public Resources Code section 21080(b)(5) which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

4. That the appeal filed by Raymond Cordoza is hereby denied and the decision of the Subdivision Review Board is affirmed that the application of Raymond Cordoza for a vesting tentative parcel map for Parcel Map CO 04-0352 is hereby disapproved based upon the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairman of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: 
Deputy County Counsel

Dated: February 28, 2006



STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2006.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

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FINDINGS - EXHIBIT A

Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans; it does not comply with General Goal 8 of Framework for Planning because the proposed division would increase the intensity of residential use beyond the average use that currently exists.
- C. The proposed parcels are smaller than the majority of surrounding parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area.
- D. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent is to locate development within close proximity of communities that have available infrastructure to support development. The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time.

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Inland Appeal Application

San Luis Obispo County Department of Planning and Building

PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance
☒ Land Division ☐ Lot Line Adjustment ☐ Sending Site Determination ☐ Other _____

File Number: CO104-352 SUB 2004-00256

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☐ Administrative Hearing Officer
☒ Subdivision Review Board ☐ Planning Commission ☐ Other _____

Date the application was acted on December 5, 2005

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

As admitted in the Staff Report, the applicant's proposal does comply with Land Use Ordinance Section 22.24.070, and its criteria, as applicable at the time of the proposal's submission. (See Attachment "A.")

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal (<i>attach additional sheets if necessary</i>)
B, C, D	(See Attachment "A")

APPELLANT INFORMATION

Print name: Raymond Cordoza

Address: 1190 Ladera Ln, Paso Robles, CA 93465 Phone Number (daytime): (805) 434-1833

We have completed this form accurately and declare all statements made here are true.

Adam M. Daner
Signature

12-16-05
Date

Daner Law Firm, Adam M. Daner for Appellant

OFFICE USE ONLY

Date Received: 12-16-05

Amount Paid: \$604.00

By: MLV

Receipt No. (if applicable): _____

Revised 7/31/01/ep

ATTACHMENT "A"

1. Approval is Consistent with the Transfer of Development Credit Program

The Applicant requests a subdivision of his 10 Acre parcel, resulting in two parcels of 5 acres each based on the County's Transfer of Development Credit Program (TDC). Applicants's submission was received on **May 10, 2005**.

As indicated in the attached staff report, the proposed division results in a Receiver Site which complies with the Eight enumerated criteria of Section 22.24.070 (See, p. 3-2 & 3-3 of Staff Report.)

Staff acknowledges the proposal's compliance with Section §22.24.070, yet recommends denial based upon its perception that the TDC Program itself is inconsistent with General Goal 8 of the Framework for Planning.

The issue at hand is not the propriety of the entire TDC program and ordinance; rather, the issue is whether the proposal as submitted in May of 2005 complied with the law. Staff has answered this question in the affirmative.

Simple fairness leads to the conclusion that the application fully complies with the applicable law at the time of submission. Applying the current moratorium to this previously submitted application is not appropriate.

2. The Basis for Finding "C" Is Improper

Staff concludes that "The average parcel size for parcels found within the surrounding residentially zoned property is 8.68 acres." However, as depicted in Map 3-6, this calculation is not based upon surrounding parcels as equally or radially measured from the site, but is based upon sites which are not adjacent or contiguous. Accordingly, this conclusion must be disregarded as it is not a proper basis for analysis or rejection.

3. Staff Finding "D" is Void of Factual Support

Finding D states: "The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time." No factual basis for this dramatic conclusion is provided whatsoever.

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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

Promoting the wise use of land
Helping build great communities

MEETING DATE December 5, 2005	CONTACT/PHONE Josh LeBombard (805) 781-1431	APPLICANT Raymond Cordoza	FILE NO. CO 04-352 SUB2004-00256
SUBJECT Request by Raymond Cordoza for a Vesting Tentative Parcel Map using the Transfer of Development Credits program to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The proposed project is within the Residential Rural land use category and is located at 7655 Feenstra Road, approximately 3.4 miles north of the community of Creston. The site is in the El Pomar/ Estrella planning area.			
RECOMMENDED ACTION Deny Tentative Parcel Map CO 04-0352 based on the findings listed in Exhibit A.			
ENVIRONMENTAL DETERMINATION This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 035-241-013	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: None applicable to this project			
LAND USE ORDINANCE STANDARDS: L.U.O. section 22.24, Transfer of Development Credits			
EXISTING USES: Single-family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural/Single-family residences <i>South:</i> Residential Rural & Agriculture/ Single-family residences & Agricultural production		<i>North:</i> Residential Rural/Single-family residences <i>West:</i> Residential Rural & Agriculture/ Single-family residences & Agricultural production	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, California Department of Transportation, Parks Division, Air Pollution Control District			
TOPOGRAPHY: Level to gently sloping		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: May 10, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

ORDINANCE COMPLIANCE:

Minimum Parcel Size

The property is zoned Residential Rural. Section 22.22.060 of the Land Use Ordinance defines the minimum parcel size for new lots in the Residential Rural category based upon site features including: Remoteness, fire hazard, fire response time, access and slope.

The Remoteness test indicates that the minimum parcel size shall be based upon the distance of the parcel proposed for division from the nearest urban or village reserve line, measured on the shortest public road route between the reserve line and the site. The distances are shown in the table below:

Distance (Road Miles)		Minimum Parcel Size
From Urban Reserve Line	From Village Reserve Line	
10+	5+	20 acres
5-10	0-5	10 acres
0-5	N.A.	5 acres

(LUO; 22.22.060.A)

DISCUSSION:

The subject parcel is located approximately 6.4 miles from the community of Paso Robles. Based on the remoteness test, the subject parcel does not qualify for a standard division because the minimum parcel size is 10 acres. Thus, the applicant is requesting a subdivision of the 10 acre parcel which would result in two parcels of 5 acres each based on the provisions of the county Transfer of Development Credit Program (TDC).

TDC Receiver Site

Land Use Ordinance Section 22.24.070 provides for division of sites which do not otherwise qualify for division through use of the Transfer Development Credit (TDC) program. This program allows density to be transferred from an already established "sending site" to a "receiver site". The Transfer Development Credit (TDC) program provides for the creation of one additional parcel on properties which cannot otherwise qualify for a subdivision, including, properties within the Agriculture land use category, if the property meets all the other criteria to be designated a receiver site.

To qualify as a receiver site under Section 22.24.070 of the Land Use Ordinance, the site must meet the following criteria:

1. An Exemption (Categorical or General Rule), a Negative Declaration or a Final Environmental Impact Report, that does not identify significant, unavoidable adverse environmental effects, or exacerbation of such effects, relating to the additional density that would be allocated to the site, has been prepared or will be necessary as part of environmental determination for the proposed project.
2. The site is not within an Agricultural Preserve.

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3. The site is within 5 miles of an urban or village reserve line except for the California Valley village reserve line.
4. The footprint of the area proposed for development (including new access roads and driveways) is less than 30 percent slope.
5. The footprint of the area proposed for development is outside of the Sensitive Resource Area (SRA), Flood Hazard (FH), Geologic Study Area (GSA), Earthquake Fault Zone, or Very High Fire Hazard Area as defined by the Land Use Element.
6. The footprint of the area proposed for development is outside of a Natural Area or Significant Biological Geographical or Riparian Habitat as defined by the Natural Areas Plan, the Land Use Element, or a subsequent revision or update of any element of the general plan.
7. The development will comply with: all development standards, water, sewage disposal and access standards, and land division standards as contained in Titles 19, 21, 22 and 23 of the county code.
8. The site was not an approved sending site, and also has a valid conservation easement recorded against the sending site.

Framework for Planning, General Goal 8 states that land uses should "Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominantly agriculture, low intensity recreation, residential and open space uses which will preserve and enhance the pattern of identifiable communities."

DISCUSSION:

The property is located in the Residential Rural Land Use Category. The property is located greater than 5 miles from any Urban Reserve Line (URL) but is within the required 5-mile distance from a Village Reserve Line (VRL). The site is approximately 3.4 miles north of the Creston VRL. The distinction should be made that currently when measuring distance in regards to TDC eligibility, the straight-line method is used. This means that this property is located 3.4 miles (as the crow flies) from the Creston VRL. As shown in the Exhibit "*Distance of APN 035-241-013 from Creston VRL*", the property is approximately 5.48 miles from the Creston VRL using the measurement of the shortest public road route between the reserve line and the site.

The area generally consists of larger parcels with smaller parcels to the east in an area zoned Residential Suburban. The chart below outlines the parcel sizes of the parcels found within both the surrounding Residential Rural and Residential Suburban Land Use Categories. Exhibit *Parcels within Residentially Zoned Areas Near APN 035-241-013* depicts the physical layout of these parcels.

The average parcel size for parcels found within the surrounding residentially zoned property (including both the Residential Rural and the Residential Suburban Land Use Categories) is 8.68 acres. The proposal to split the 10 acre parcel into two parcels of 5 acres in size would not be consistent with the surrounding area because the size of the resulting parcels would be less than 58% of the average parcel size

Staff is concerned that a subdivision of this parcel into two parcels that are smaller than 58% of the average of the surrounding parcels, could create a precedent that could lead to a pattern of future subdivision of the larger parcels in the area. In addition, this proposal is inconsistent with Framework for Planning, General Goal 8, because the proposed division would increase the intensity of residential use beyond the average use that currently exists.

As mentioned above, the proposed subdivision is inconsistent with the intent of the TDC ordinance and staff is unable to make the findings for approval for this project

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Sizes of Surrounding Parcels

APN	ACRES	APN	ACRES	APN	ACRES	APN	ACRES	APN	ACRES
035-161-015	4.535	035-161-004	14.122	035-201-004	1.830	035-351-011	1.128	035-231-021	7.211
035-161-017	1.428	035-161-010	15.259	035-201-002	10.658	035-191-027	1.313	035-231-020	2.345
035-161-017	8.986	035-081-024	19.541	035-181-010	9.752	035-351-009	8.650	035-231-012	7.491
035-161-019	10.309	035-171-011	12.636	035-181-016	11.585	035-211-003	2.121	035-231-011	9.692
035-161-014	12.341	035-171-020	23.385	035-201-016	10.105	035-191-039	1.012	035-231-018	9.591
035-161-016	7.794	035-171-010	9.545	035-351-005	12.940	035-191-038	1.311	035-231-013	9.817
035-161-018	12.103	035-201-014	9.023	035-351-006	12.676	035-191-037	1.421	035-231-017	9.698
035-171-014	13.004	035-201-010	5.924	035-351-012	5.241	035-191-030	1.308	035-231-014	9.303
035-171-018	11.318	035-181-019	14.122	035-211-002	7.193	035-211-004	4.346	035-241-024	9.295
035-161-013	10.117	035-201-012	11.539	035-351-008	11.071	035-191-031	0.957	035-241-025	5.510
035-161-022	10.715	035-181-018	12.763	035-211-007	2.014	035-191-032	0.886	035-241-012	9.768
035-171-007	13.450	035-201-013	6.312	035-181-003	9.634	035-191-029	1.853	035-241-013	9.596
035-171-015	11.021	035-181-020	10.707	035-181-014	9.219	035-191-036	1.379	035-241-014	7.748
035-081-025	19.494	035-201-015	5.508	035-181-009	9.408	035-191-028	1.806	035-241-015	5.076
035-161-020	11.068	035-201-011	10.426	035-181-006	8.973	035-191-025	2.040	035-241-021	5.020
035-171-019	10.033	035-351-001	14.771	035-181-012	9.630	035-191-005	1.091	035-241-020	4.909
035-161-006	14.907	035-351-002	25.168	035-181-017	9.536	035-191-035	1.183	035-241-017	10.151
035-171-013	14.654	035-201-017	10.330	035-351-003	11.452	035-231-015	9.426	035-241-018	10.045
				035-351-004	10.004	035-231-019	9.765	035-241-019	10.431

COMMUNITY ADVISORY GROUP COMMENTS: None applicable

AGENCY REVIEW:

Public Works – Recommended approval

Environmental Health – Indicated that the applicant shall provide evidence of on-site water and shall adhere to conditions in regards to well and septic systems.

Ag Commissioner – None received

County Parks – Indicated that quimby fees are required

CDF – Fire safety letter received March 18, 2005

APCD – Construction measures necessary to minimize air quality impacts

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

C-2
116

FINDINGS - EXHIBIT A

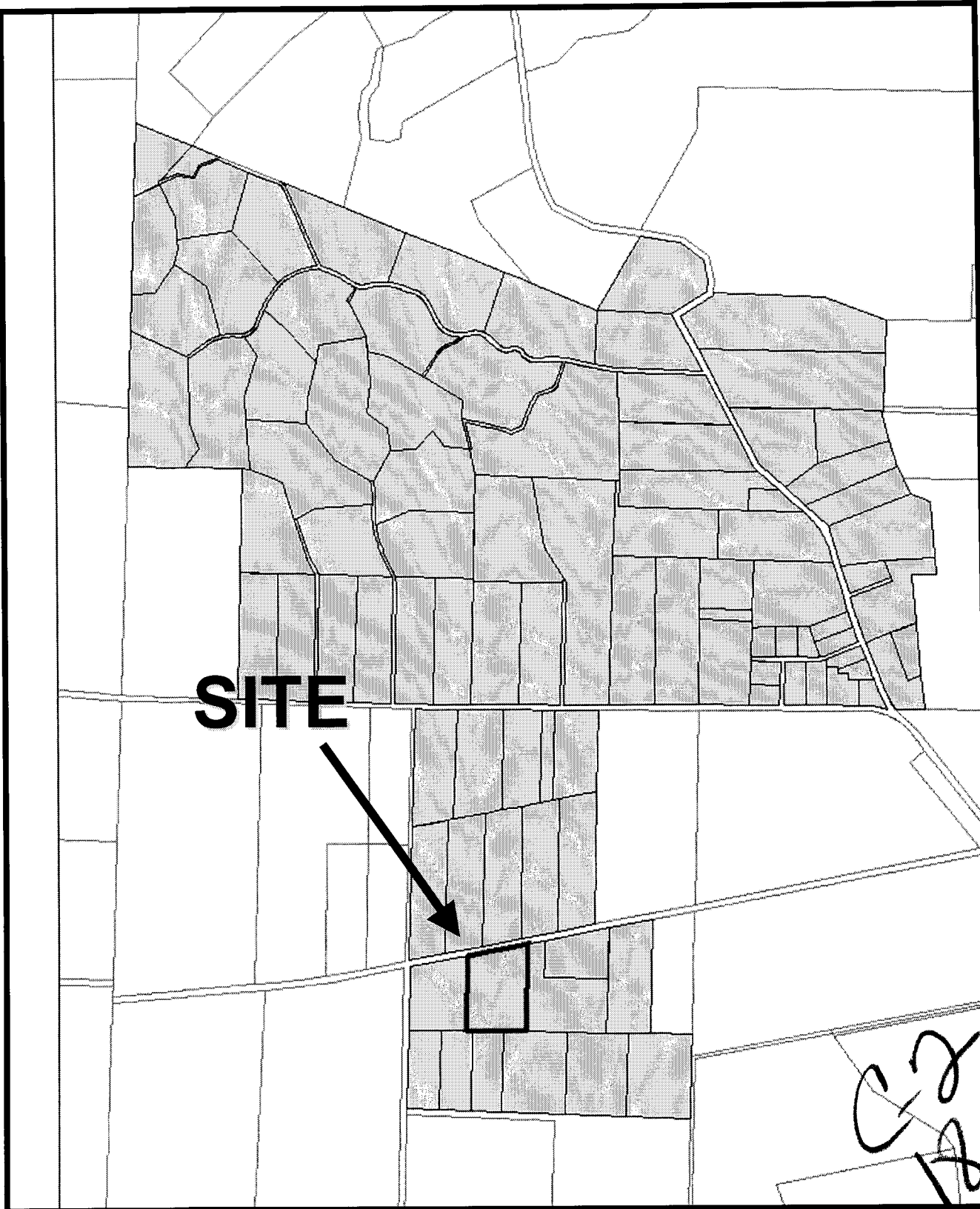
Environmental Determination

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Tentative Map

- B. The proposed map is inconsistent with applicable county general and specific plans; it does not comply with General Goal 8 of Framework for Planning because the proposed division would increase the intensity of residential use beyond the average use that currently exists.
- C. The proposed parcels are smaller than the majority of surrounding agricultural parcels in the vicinity, making the proposed parcels inconsistent with the pattern of development of the area.
- D. The proposed map is not consistent with the county zoning and subdivision ordinances because although the parcel map may technically meet the criteria to be a receiving site, it doesn't meet the "intent" of Chapter 22.24 (TDC Ordinance) as the intent is to locate development within close proximity of communities that have available infrastructure to support development. The community of Creston does not have ample services to accommodate density beyond what is allowed through standard subdivision at this time.

C-8
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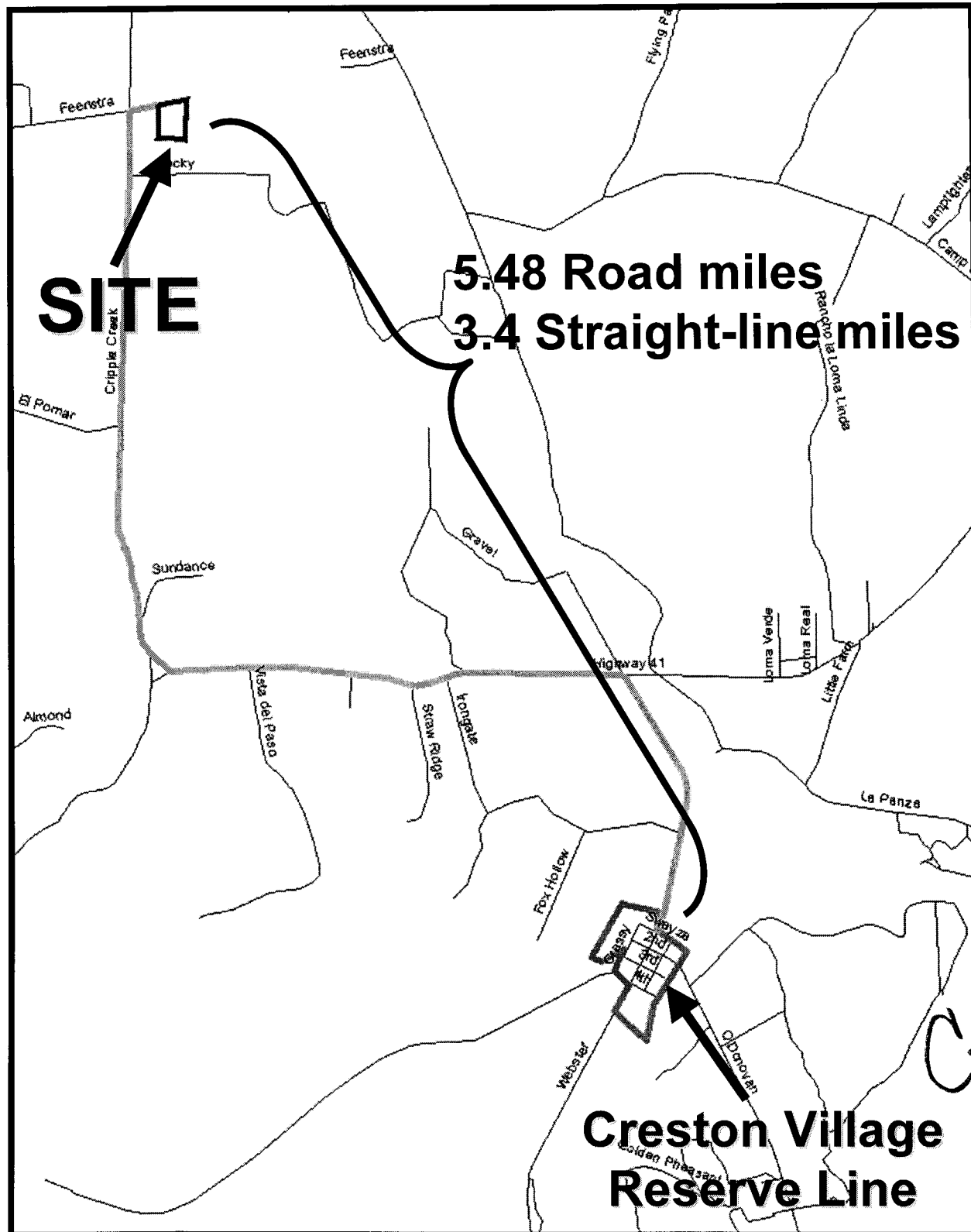
PROJECT

SUB2004-00256
Cordoza



EXHIBIT

Parcels within Residentially Zoned
Areas Near APN 035-241-013



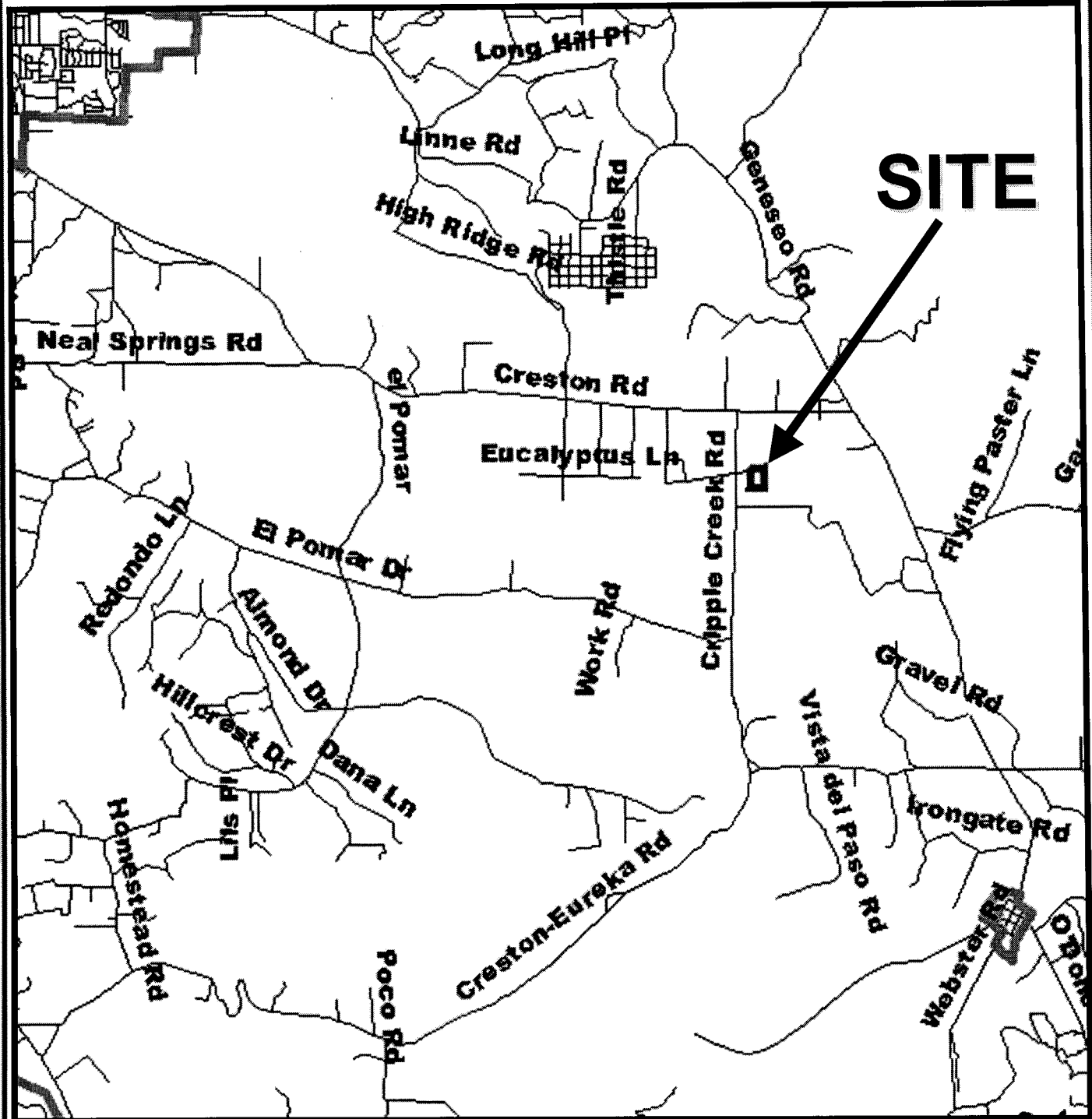
PROJECT

SUB2004-00256
Cordoza



EXHIBIT

Distance of APN 035-241-013 from Creston VRL



CS

PROJECT

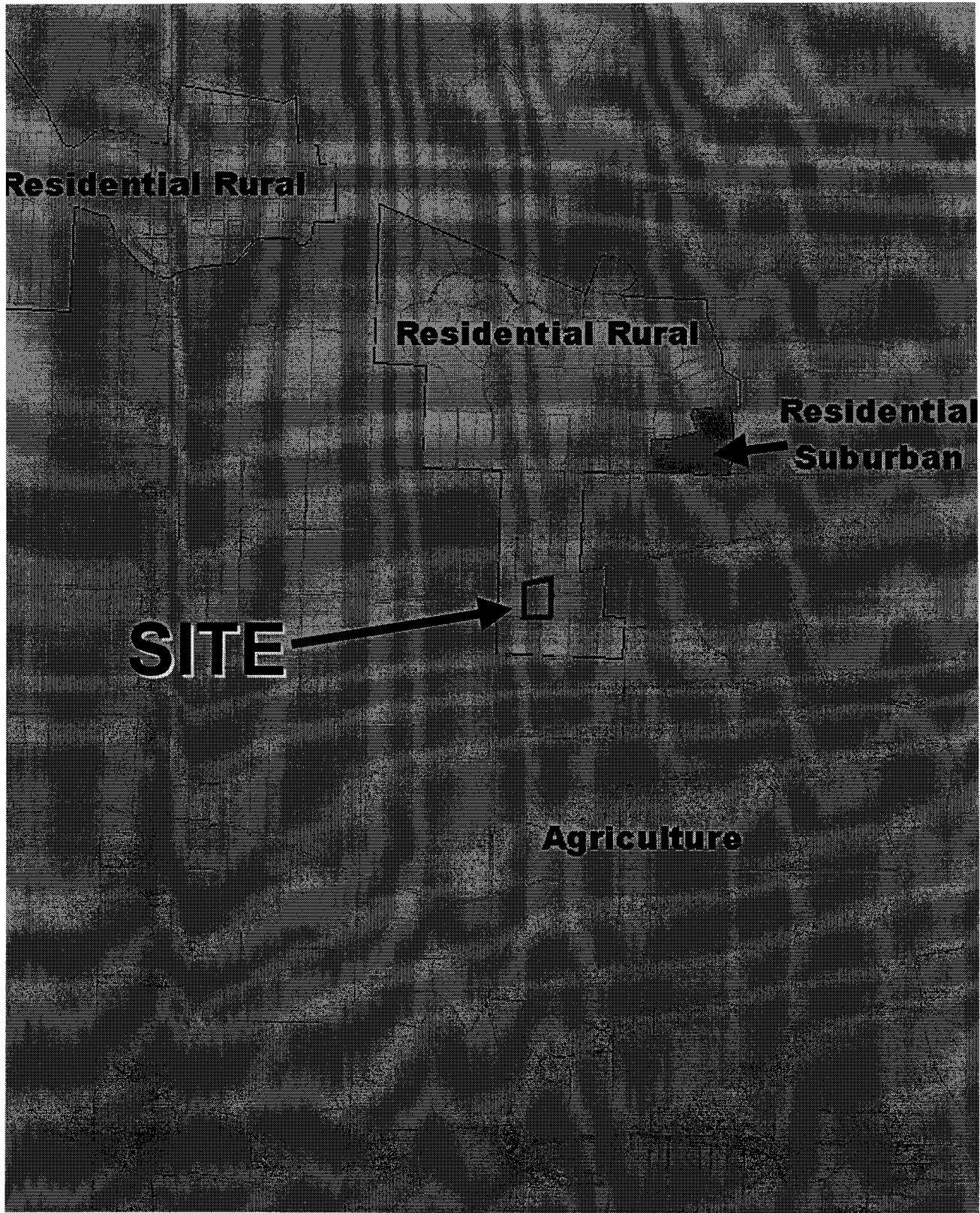
SUB2004-00256
Cordoba



EXHIBIT

Vicinity Map

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PROJECT

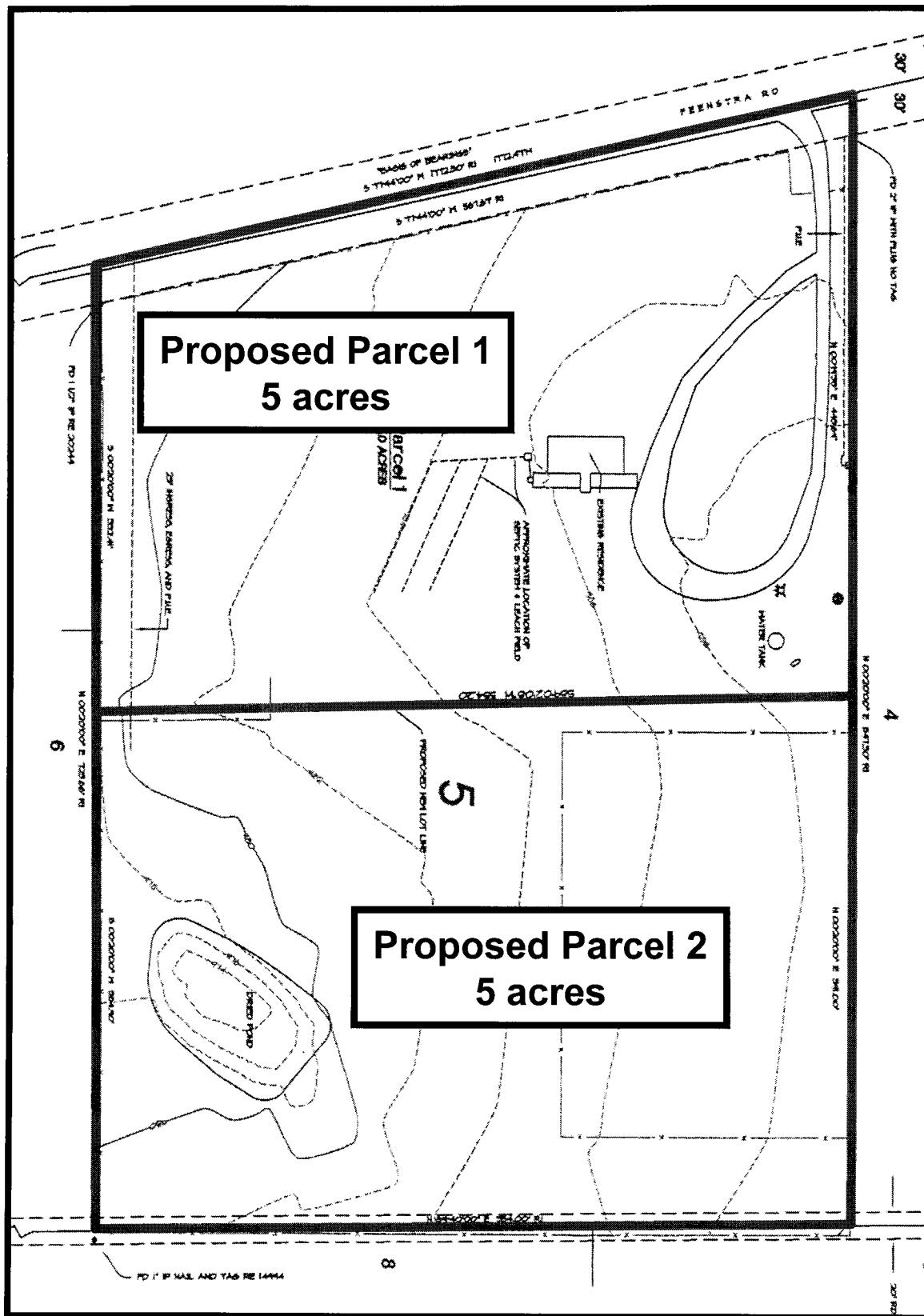
SUB2004-00256
Cordoza



EXHIBIT

Land Use Category Map

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PROJECT

SUB2004-00256
Cordoba



EXHIBIT

Site Plan

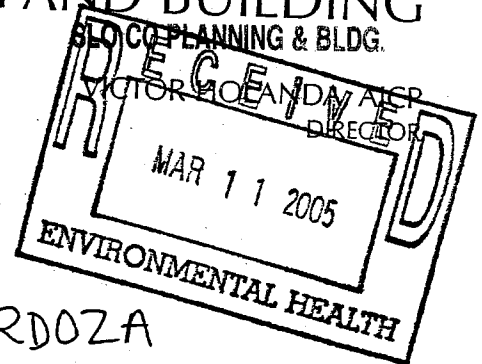
Handwritten signature/initials.



JXL
RECEIVED
3-11
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING
MAR 8 2005

THIS IS A NEW PROJECT REFERRAL

DATE: 2/23/05
TO: Env. Health
FROM: North Co. Team
(Please direct response to the above)



CORDOZA
SUB 2004-00256
Project Name and Number

Development Review Section (Phone: 781-788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNERS

PROJECT DESCRIPTION: Parcel Map -> Split 10 acre parcel into
(2) 5 acre parcels. CO 04-0352, APN -> 035-241-013.
Located on Fenster Ave., near the Geneseo interseet-
ion.

Return this letter with your comments attached no later than: 3/10/05, thank you.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
____ YES (Please go on to Part II)
____ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
____ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Please provide stock conditions for individual wells and septic systems.
Applicant will need to develop water for both parcels and
test production & Quality prior to recordation of this map.

3/29/05
Date

Danni Salo
Name

781-5531
Phone

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR
MAR - 7 2005

THIS IS A NEW PROJECT REFERRAL

DATE:

2/23/05

FROM

PW

FROM

North Co. Team

(Please direct response to the above)

CORDOZA

SUB 2004-00256

Project Name and Number

Development Review Section (Phone: 781-788-2009) *OR ASK THE SWITCH-BOARD FOR THE PLANNER

PROJECT DESCRIPTION:

Parcel Map -> Split 10 acre parcel into
(2) 5 acre parcels. CO 04-0352, APN -> 035-241-013.
Located on Fenstra Ave., near the Genesee intersec-
tion.

Return this letter with your comments attached no later than:

3/10/05, thank you.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - STOPS ATTACHED

09 MARCH 2005
Date

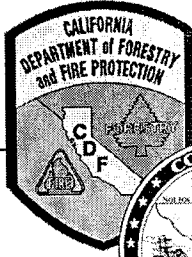
GOODWIN
Name

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Phone

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JX -

3-13



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

March 17, 2005

North County Team
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

RECEIVED

MAR 16 2005

SLO CO PLANNING & BLDG

Subject: Parcel Map Project # SUB2004-00256 (Cordoza)

Dear North County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 7655 Feenstra Road, Creston, CA. This project is located approximately ten minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a Moderate Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 16 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.

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- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet. 10 feet is required
 - 50-199 feet. 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Chad T. Zrelak
Fire Captain Inspector

cc: Cordoza
Vaughan Surveys

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3-15



**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

RECEIVED

MAR 10 2005

AIR POLLUTION CONTROL DISTRICT

DATE: March 7, 2005

TO: North County Team
San Luis Obispo County Department of Planning and Building

FROM: Jan Downs Vidalin, Air Quality Specialist *JDV*
San Luis Obispo County Air Pollution Control District

SUBJECT: Cordoza Parcel Map, Hwy 229 and Feenstra Rd., Paso Robles (SUB2004-00256)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at Highway 229 and Feenstra Road outside of Paso Robles. The project involves a Parcel Map for the subdivision of 10 acres into two parcels of five acres each. Existing structures on the property include a residence and horse corrals. The property lies outside of the urban reserve line (URL) and is zoned residential rural (RR). The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS:

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency on private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development.

The District understands that under the County's Land Use Ordinance, parcels within the Residential Rural category, can be subdivided to a minimum lot size of five acres unless there is a Planning Area Standard restriction as is the case for this project. We also recognize that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. We do not support this type of development.

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Should this project continue to move forward against our recommendation, we would like to be included in the review of future development proposals for the property. As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE EMISSIONS:

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Demolition Activities

The project referral did not indicate whether the existing structures on the proposed site will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

CF
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3-17

Cordoza Parcel Map
Page 3 of 3
March 7, 2005

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

AAG /JDV/sll

cc: Karen Brooks, APCD Enforcement Division
Tim Fuhs, APCD Enforcement Division
Applicant, Raymond Cordoza

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C-29

Number 43

Name Associated Almond Growers Independence Tracts 10A, 10B and 10C

General Description, Services & Infrastructure

Created in 1921, consisting of 28 lots, 10-acres each. Phone and electrical service is available. The tract is located within the Paso Robles Joint Union High School and Paso Robles Joint Union Elementary School Districts.

Location & Access

Located approximately 9 miles east of Templeton and 9 miles southeast of Paso Robles. External access is via Creston Road, a select-arterial and Cripple Creek Road, a paved select-collector.

Ownership

Ownership information obtained from Real Estate Atlas of San Luis Obispo County Eleventh Edition, 1975. The possibility that property within subdivisions is owned by owners of surrounding property was not explored. Ownership of more than one parcel within a subdivision does not imply the parcels are always contiguous.

Assessor's Book No. 35-081, 221, 231, 241

- 35-221-08 - Paso Robles
- 35-231-09 - Paso Robles
- 35-241-02 - Santa Ana
- 35-241-09 - Paso Robles

Zoning & General Plans

Tract A (west of Cripple Creek Road) is zoned A-3-80-P, Tract B and C, zoned Open Space Plan - dry farm and grain.

Land Uses & Capability

Irrigated hay west of Cripple Creek Road, unused and dry farm east, with several mobilehomes established. The tracts are fairly flat primarily with Class I and II (primeland) soils with some portions with Class III and IV soils.

Adjacent Land Uses

Dry farm. Irrigated pasture and hay, orchards, some unused wooded areas.

Staff Comments

Cultural use should be encouraged. Aggregation should be considered for areas now covered by Agriculture Preserve Zoning. Outside of Ag. Preserves aggregation of all contiguous lots, under single ownership, into single parcels should be considered. Issuance of building permits should be made conditional on establishing adequate improvements.

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NUMBER 43

NAME Associated Almond Growers
Independence Tracts 10A, 10B & 10C

